

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ERICA McDOWELL,

Plaintiff,

v.

**5:11 -CV-1132
(NAM/VEB)**

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

APPEARANCES:

OF COUNSEL:

Olinsky Law Group
300 S. State Street
5th Floor, Suite 520
Syracuse, NY 13202
Counsel for Plaintiff

Karen Southwick, Esq.

Social Security Administration
Office of the Regional General Counsel
26 Federal Plaza - Room 3904
New York, NY 10278
Counsel for Defendant

Sixtina Fernandez, Esq.
Special Assistant U.S. Attorney

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed on the 11th day of March 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The Commissioner's Motion is Denied and that Plaintiff's Motion is Granted. The case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405 (g) for further administrative proceedings, with a different Administrative Law Judge being assigned on remand.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 29, 2013
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge